

REMARKS

Claims 1 to 42 are pending in this application. Claims 1, 21, and 35 are amended to correct a typographical error, i.e. to recite "a master control module" instead of "the master control module". The amendments are not made for any other reason related to patentability.

The Examiner rejected claims 1-42 under 35 U.S.C. § 102(b) based upon an alleged public use or sale of the invention. Specifically, the Examiner cited a number of references to support his conclusion that the features claimed in the present application were in public use or on sale at least as early as December 11 2000 as part of the Intuit QuickBase product, more than one year before the filing date of the present application. The references cited by the Examiner include Vaidya, BusinessWire, Hogan, Wildstrom, Muse and Intuit.

The Vaidya, BusinessWire, Hogan, and Wildstrom references describe the initial release of Intuit's QuickBase product on December 11, 2000. The Muse reference describes the release in April, 2002 of QuickBase for Corporate Workgroups, and notes that QuickBase was initially launched two years prior¹. On the basis of the references describing the initial release of QuickBase, the Examiner assumes that the claimed invention was present in such initial release, and therefore that the claims are anticipated under § 102(b) for alleged public use or sale.

However, the Examiner's assumption is incorrect. The claimed invention was not implemented or used in the version of the QuickBase product released on December 11, 2000 and described in the cited references. That fact is supported by the accompanying Declaration submitted under 37 C.F.R. § 1.132 by one of the Applicants, James C. Salem. As Mr. Salem indicates in his Declaration, the claimed invention was developed as part of work on a subsequent version of the QuickBase product, and was described in an Intuit confidential document on December 20, 2001. Accordingly, it was not in the initial QuickBase release as of December 11, 2000.

¹ The article is incorrect because, as indicated by the other references, the product was launched only 16 months earlier, in December, 2000.

Accordingly, since the invention claimed in claims 1-42 was not on sale or in public use prior to February 21, 2001, the rejection under 35 U.S.C. § 102(b) should be withdrawn.

If any matters remain outstanding prior to allowance of the claims, the Examiner is invited to contact the undersigned attorney at (415) 875-2358 or via e-mail at dbrownstone@fenwick.com. Applicants acknowledge that a copy of any electronic mail communications will be made of record in the application file per MPEP § 502.03.

Respectfully submitted,
MICHAEL J. WISSNER *et al.*

Date: _____

By: _____

Daniel R. Brownstone
Registration No. 46,581
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
Phone: (650) 335-7203
Fax: (650) 938-5200
E-Mail: dbrownstone@fenwick.com